

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated February 27, 2004. Claims 1-10 are currently pending in this application. It is gratefully acknowledged that the Examiner has found allowable subject matter in Claims 1-5 and 8-10.

In the Office Action, Claims 6-7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,544,224 (*Jonsson*) in view of the Admitted Prior Art. Additionally, the Examiner has rejected Claims 1, 5, 8, and 10 under 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claims 1, 5, 8, and 10 under 35 U.S.C. §112, second paragraph, the Examiner takes issue with the term "*the* recovered traffic channel", asserting that there is insufficient antecedent basis for this term. As indicated above, Claims 1, 5, 8, and 10 have been amended to recite the term "*a* recovered traffic channel". Accordingly, it is respectfully requested that the rejection of Claims 1, 5, 8, and 10 under 35 U.S.C. §112, second paragraph, be withdrawn.

With regard to the rejection of independent Claim 6, the Examiner asserts that the *Jonsson* in view of the Admitted Prior Art (APA) teaches Claim 6, and in particular the APA teaches the step of assigning to the mobile station a traffic channel by the searched base station using a physical channel used for data transmission. More specifically, the Examiner cites page 2, lines 1-5, and page 3, line 16 to page 4, line 19 of the specification as reciting this step. However, it is respectfully submitted that the Examiner is incorrect.

These cited sections of the specification merely recite the conventional procedures for redialing and reconnecting a dropped call, respectively. At no point in these cited sections, anywhere else in the APA, or in *Jonsson* is there a teaching or suggestion of assigning to the mobile station a traffic channel by the searched base station *using a physical channel used for data transmission*. It is respectfully submitted that the Examiner is

equating the paging channel in the APA with a physical channel used for data transmission. However, a paging channel is clearly not a physical channel used for data transmission. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claim 6 and it is respectfully requested that the rejection of Claim 6 be withdrawn.

Without conceding patentability per se of dependent Claim 7, it is respectfully submitted that the rejection of Claim 7 under 35 U.S.C. § 103(a) should be withdrawn by virtue of its dependence on Claim 6.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-10 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul J. Farrell", is written over a horizontal line.

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